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REMARKS**Claims 27-31 are Not Indefinite**

The Office has rejected claims 27-31, at paragraphs 3-6 of the Office Action, under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 27 and 29 have been amended. Applicant respectfully submits that amended claims 27-31 are not indefinite.

Claims 1, 5-8, 29, 31, 45 and 46 are Allowable

The Office has rejected claims 1, 5-8, 29, 31, 45 and 46, at paragraph 9 of the Office Action, under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. App. No. 2003/0039242 ("Moore") in view of U.S. Pat. No. 7,068,669 ("Abrol"). Applicant respectfully traverses the rejections.

None of the cited references, including Moore and Abrol, disclose or suggest the specific combination of claim 1. For example, Moore and Abrol do not disclose a wireless network base station that converts between the data packets communicated using the wireless data network protocol and voice communication to be communicated using plain old telephone service (POTS), as recited in claim 1. In contrast to claim 1, Moore discloses that "Hybrid Fiber-Coax (HFC) network operators are providing telephony services using Voice Over Internet Protocol (VoIP) and Data Over Cable Service Interface Specification (DOCSIS) and may want to provide services having the same or higher level of availability than that of the competing Local Exchange Carrier (LEC) or other telephony service provider." *Moore*, paragraph [0003]. That is, Moore is directed to a system and method to compete with plain old telephone service (POTS) providers, such as LECs, by using VoIP. Moore does not disclose a wireless network base station that converts between the data packets communicated using the wireless data network protocol and voice communication to be communicated using plain old telephone service (POTS), as recited in claim 1. Rather, Moore discloses a system and method to compete with plain old telephone service by using a VoIP network.

Abrol also does not disclose or suggest a wireless network base station that converts between the data packets communicated using the wireless data network protocol and voice

communication to be communicated using plain old telephone service (POTS), as recited in claim 1. Rather, Abrol discloses techniques to maintain an IP session established via a high data rate radio network while being tuned to a CDMA radio network. *Abrol*, Abstract. Hence, claim 1 is allowable.

Furthermore, if a proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). Moore is directed to a system and method for competing with plain old telephone service by using Voice-over-Internet Protocol. Hence, it is improper to include Moore in any combination of references to reject claim 1, because the combination would necessarily change the principle of operation and express purpose of Moore. Therefore, it is improper to assert any combination that includes Moore against claim 1.

Claims 5-8, 29, 31, 45 and 46 depend from claim 1, which Applicant has shown to be allowable. Hence, the combination of Moore and Abrol is improper as applied against claims 5-8, 29, 31, 45 and 46, and the combination fails to disclose at least one element of each of claims 5-8, 29, 31, 45 and 46. Accordingly, claims 5-8, 29, 31, 45 and 46 are also allowable, at least by virtue of their dependence from claim 1.

Additionally, the dependent claims include features not disclosed or suggested by Moore or Abrol. For example, the combination of Moore and Abrol does not disclose or suggest a wireless network base station configured to send a call control message to a registration system associated with the mobile telephony network via a modem, as recited in claim 29. Abrol discloses techniques to maintain an IP session established via a high data rate radio network while being tuned to a CDMA radio network. *Abrol*, Abstract. Abrol does not disclose or suggest a wireless network base station configured to send a call control message to a registration system associated with the mobile telephony network via a modem, as recited in claim 29. In contrast to claim 29, Moore discloses that a mobile handset sends a message to the mobile telephone network to initiate or cancel call forwarding. *Moore*, paragraph [0018]. Moore does not disclose or suggest a wireless network base station that send a call control

message to a registration system associate with the mobile telephony network, as recited in claim 29.

The combination of Moore and Abrol also does not disclose or suggest a wireless network base station configured to send a call control message to a registration system associated with the mobile telephony network to cancel redirection of calls addressing the mobile communication device via the mobile telephony network, as recited in claim 47. As discussed above, neither Moore nor Abrol disclose or suggest a wireless network base station configured to send a call control message to a registration system associated with the mobile telephony network. Furthermore, it is improper to include Moore in any combination of reference to teach a wireless network base station configured to send a call control message to a registration system associated with the mobile telephony network to cancel redirection of calls addressing the mobile communication device via the mobile telephony network, as recited in claim 47, because modifying the VoIP gateway of Moore to perform this function would change the principle of operation of Moore. Moore discloses that a Hybrid Fiber-Coax network operator may co-market VoIP telephony with mobile telephone to avoid providing a more reliable VoIP network. *See Moore*, paragraph [0003]. If the VoIP gateway of Moore were responsible for sending a call forward cancellation message to the mobile telephone network of Moore, then the system of Moore would not be able to cancel call forwarding in the event of a failure of the VoIP Network. Thus, the system of Moore would be rendered unsuitable for its intended purpose.

Claims 2-3, 27-28, 30, and 52 are Allowable

The Office has rejected claims 2-3, 27-28, 30 and 52, at paragraph 10 of the Office Action, under 35 U.S.C. §103(a) as being unpatentable over Moore in view of Abrol and further in view of U.S. Pat. No. 5,920,815 ("Akhavan"). Applicant respectfully traverses the rejections.

None of the cited references, including Moore, Abrol and Akhavan, disclose or suggest the specific combination of claims 2-3, 27-28, 30 and 52. For example, as previously discussed, the combination of Moore and Abrol does not disclose a wireless network base station that converts between the data packets communicated using the wireless data network protocol and voice communication to be communicated using plain old telephone service (POTS), as recited in claim 1. Akhavan also does not disclose or suggest this feature. Furthermore, as previously

discussed any combination of references that modifies Moore to provide a wireless network base station that converts between the data packets communicated using the wireless data network protocol and voice communication to be communicated using plain old telephone service (POTS), as recited in claim 1, is improper because the combination would change the principle of operation of Moore. Hence, claim 1 is allowable.

Claims 2-3, 27-28, 30 and 52 depend from claim 1, which Applicant has shown to be allowable. Hence, the combination of Moore, Abrol and Akhavan is improper as applied against claims 2-3, 27-28, 30 and 52, and the combination fails to disclose at least one element of each of claims 2-3, 27-28, 30 and 52. Accordingly, claims 2-3, 27-28, 30 and 52 are also allowable, at least by virtue of their dependence from claim 1.

Claim 47 is Allowable

The Office has rejected claim 47, at paragraph 11 of the Office Action, under 35 U.S.C. §103(a) as being unpatentable over Moore in view of Abrol and Akhavan and further in view of U.S. Pat. No. 6,091,948 ("Carr"). Applicant respectfully traverses the rejection.

None of the cited references, including Moore, Abrol, Akhavan and Carr, disclose or suggest the specific combination of claim 47. For example, as previously discussed, the combination of Moore, Abrol and Akhavan does not disclose a wireless network base station that converts between the data packets communicated using the wireless data network protocol and voice communication to be communicated using plain old telephone service (POTS), as recited in claim 1. Carr also does not disclose or suggest this feature. Furthermore, as previously discussed any combination of references that modifies Moore to provide a wireless network base station that converts between the data packets communicated using the wireless data network protocol and voice communication to be communicated using plain old telephone service (POTS), as recited in claim 1, is improper because the combination would change the principle of operation of Moore. Hence, claim 47 is allowable.

Additionally, the combination of Moore, Abrol, Akhavan and Carr is improper because Carr teaches away from the combination. In particular, Carr states that:

A second attempt to solve this problem is based on hardware supported call forwarding. Special hardware, such as a landline residential base station in a dual mode cordless/cellular system, detects the presence of the mobile unit when within range of the special hardware (i.e., the mobile unit is at work or at home). The special hardware then notifies the wireless telephone system to forward all calls to the preprogrammed land line telephone at that location. This solution requires a large investment by the user in the special hardware, as well as system infrastructure modifications, and only works if the mobile unit is within range of the special hardware.

Carr, col. 1, lines 35-47.

Thus, *Carr* teaches away from the use of landline residential base stations. In contrast, Moore and Akhavan each require residential base stations. Thus, *Carr* teaches away from the combination with both Moore and Akhavan. Further, claim 1 recites a wireless network base station. Thus, *Carr* teaches away from the features of claim 1. Hence, claim 1 is allowable for this additional reason.

Thus, the combination of Moore, Abrol, Akhavan and *Carr* is improper as applied against claim 47, and the combination fails to disclose at least one element of claim 47. Accordingly, claim 47 is allowable, at least by virtue of its dependence from claim 1.

Claim 48 is Allowable

The Office has rejected claim 48, at paragraph 12 of the Office Action, under 35 U.S.C. §103(a) as being unpatentable over Moore in view of Abrol and further in view of U.S. Pat. No. 6,708,028 ("Byrne"). Applicant respectfully traverses the rejection.

None of the cited references, including Moore, Abrol and Byrne, disclose or suggest the specific combination of claim 48. For example, as previously discussed, the combination of Moore and Abrol does not disclose a wireless network base station that converts between the data packets communicated using the wireless data network protocol and voice communication to be communicated using plain old telephone service (POTS), as recited in claim 1. Byrne also does not disclose or suggest this feature. Furthermore, as previously discussed any combination

of references that modifies Moore to provide a wireless network base station that converts between the data packets communicated using the wireless data network protocol and voice communication to be communicated using plain old telephone service (POTS), as recited in claim 1, is improper because the combination would change the principle of operation of Moore. Hence, claim 48 is allowable.

Thus, the combination of Moore, Abrol and Byrne is improper as applied against claim 48, and the combination fails to disclose at least one element of claim 48. Accordingly, claim 48 is allowable, at least by virtue of its dependence from claim 1.

Claims 49-51 are Allowable

The Office has rejected claims 49-51, at paragraph 13 of the Office Action, under 35 U.S.C. §103(a) as being unpatentable over Moore in view of Abrol and further in view of U.S. Pat. No. 6,950,675 ("Wilhelm"). Applicant respectfully traverses the rejection.

None of the cited references, including Moore, Abrol and Wilhelm, disclose or suggest the specific combination of claims 49-51. For example, as previously discussed, the combination of Moore and Abrol does not disclose a wireless network base station that converts between the data packets communicated using the wireless data network protocol and voice communication to be communicated using plain old telephone service (POTS), as recited in claim 1. Wilhelm also does not disclose or suggest this feature. Furthermore, as previously discussed any combination of references that modifies Moore to provide a wireless network base station that converts between the data packets communicated using the wireless data network protocol and voice communication to be communicated using plain old telephone service (POTS), as recited in claim 1, is improper because the combination would change the principle of operation of Moore.

Thus, the combination of Moore, Abrol and Wilhelm is improper as applied against claims 49-51, and the combination fails to disclose at least one element of each of claims 49-51. Accordingly, claims 49-51 are allowable, at least by virtue of their dependence from claim 1.

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CONCLUSION

Applicant has pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Office Action. Accordingly, Applicant respectfully requests reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

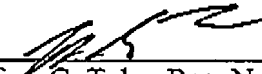
Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date


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